

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

REC'D 24 AUG 2005

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To:

see form PCT/ISA/220

9/9

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY (PCT Rule 43bis.1)

Date of mailing
(day/month/year) see form PCT/ISA/210 (second sheet)

Applicant's or agent's file reference
see form PCT/ISA/220

FOR FURTHER ACTION
See paragraph 2 below

International application No.
PCT/FI2005/050039

International filing date (day/month/year)
18.02.2005

Priority date (day/month/year)
27.02.2004

International Patent Classification (IPC) or both national classification and IPC
G05B19/418

Applicant
METSO PAPER, INC.

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☒ Box No. VIII Certain observations on the international application

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA"). However, this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of three months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA:



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**WRITTEN OPINION OF THE
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Box No. I Basis of the opinion

1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
 - ☐ This opinion has been established on the basis of a translation from the original language into the following language , which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material:
 - ☐ a sequence listing
 - ☐ table(s) related to the sequence listing
 - b. format of material:
 - ☐ in written format
 - ☐ in computer readable form
 - c. time of filing/furnishing:
 - ☐ contained in the international application as filed.
 - ☐ filed together with the international application in computer readable form.
 - ☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

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Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	2 4-9 11
	No: Claims	1 3 10 12-20
Inventive step (IS)	Yes: Claims	
	No: Claims	1-20
Industrial applicability (IA)	Yes: Claims	1-20
	No: Claims	

2. Citations and explanations

see separate sheet

Box No. VIII Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

see separate sheet

Re Item V.

V.1 Reference is made to the following documents:

D1 : US 2002/052715 A1 (MAKI KARI M) 2 May 2002 (2002-05-02)

D2 : EP 0 599 606 A (XEROX CORPORATION) 1 June 1994 (1994-06-01)

V.2 INDEPENDENT CLAIM 1

The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claim 1 is not new in the sense of Article 33(2) PCT.

Document D1 discloses (the references in parentheses applying to this document):

A method in the maintenance of machines, processes, and equipment relating to papermaking (par. 002-003), where the machine relating to papermaking is located at a production plant (ref. 20 fig. 2), which is equipped with a plant data system (ref. 22 fig. 2), and wherein a teleservice connection (ref. "Internet" fig. 2) based on a data communication link is arranged between the production plant (ref. 20 fig. 2) and a teleservice center (ref. 10 fig. 2), and where the condition, state and/or performance of the machine units and/or processes of the production line at the production plant are monitored by monitoring systems (ref. 21-24 fig. 2), such as condition monitoring systems (ref. 24 fig. 2), in order to recognise emergency situations, in which method in a recognised emergency situation an automatic service process is started based on signals given by said monitoring systems (claims 1,8,9), characterized in that the method functions spatially (claim 5), whereby the method ensures that all stages will be carried out and that all messages will reach their destination (par. 0030).

V.3 INDEPENDENT CLAIM 12

The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claim 12 is not new in the sense of Article 33(2) PCT.

Claim 12 describes a system using the wording of the method claim 1 so the same reasoning as above applies.

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V.4 DEPENDENT CLAIMS 2-11, 13-20

Dependent claims 2-11, 13-20 do not contain any features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT in respect of novelty and/or inventive step (Article 33(2) and (3) PCT).

See documents D1-D2 and the corresponding passages cited in the search report.

V.5 INDUSTRIAL APPLICABILITY :

The current application refers to a method and a system for the maintenance of machines in a production plant and is therefore industrially applicable.

Re Item VIII.

- VIII.1 The application does not meet the requirements of Article 6 PCT, because independent claims 1 and 12 are not clear.
In the characterizing portion of the claims, the matter for which protection is sought is not clearly defined. The claims attempt to define the subject-matter in terms of the result to be achieved, which merely amounts to a statement of the underlying problem, without providing the technical features necessary for achieving this result.
Furthermore, the terms "spatially" and "messages" used in these claims 1 and 12 are vague and unclear and leave the reader in doubt as to the meaning of the technical features to which they refer, thereby rendering the definition of the subject-matter of said claims unclear.
- VIII.2 Claim 5 comprises a feature "message relay system" that is first defined in claim 4 and is therefore not appropriately formulated as a claim dependent on any claim 1 to 4 (Article 6 PCT). Claim 5 should have been drafted as dependent on claim 4.
- VIII.3 Claim 6 comprises a stage "where the failure situation is analysed" that is first defined in claim 4 and is therefore not appropriately formulated as a claim dependent on any claim 1 to 5 (Article 6 PCT). Claim 6 should have been drafted as dependent on claim 4 or 5.
- VIII.4 Claim 7 comprises a feature "instructions for action" that is first defined in claim 3 and is therefore not appropriately formulated as a claim dependent on any claim 1 to 6 (Article 6 PCT). Claim 7 should have been drafted as dependent on any claim 3-6.
- VIII.5 The feature "service action" used in claims 8 and 9 is vague and unclear and leave the reader in doubt as to the meaning of the technical features to which it refers, thereby rendering the definition of the subject-matter of said claims unclear (Article 6 PCT).

- VIII.6 Claim 10 comprises a feature "instructions for action" that is first defined in claim 3 and is therefore not appropriately formulated as a claim dependent on any claim 1 to 9 (Article 6 PCT). Claim 10 should have been drafted as dependent on any claim 3-9.
- VIII.7 Claim 11 comprises a feature "instructions for action" that is first defined in claim 3 and is therefore not appropriately formulated as a claim dependent on any claim 1 to 10 (Article 6 PCT). Claim 11 should have been drafted as dependent on any claim 3-10.
- VIII.8 Claim 16 comprises a feature "message relay system" that is first defined in claim 15 and is therefore not appropriately formulated as a claim dependent on claim 12 or 15 (Article 6 PCT). Claim 16 should have been drafted as dependent on claim 15.
- VIII.9 Claim 17 comprises a feature "message relay system" that is first defined in claim 15 and is therefore not appropriately formulated as a claim dependent on claim 12 or 16 (Article 6 PCT). Claim 17 should have been drafted as dependent on claim 15 or 16.
- VIII.10 Claim 18 comprises a feature "message" that is first defined in claim 17 and is therefore not appropriately formulated as a claim dependent on claim 12 or 17 (Article 6 PCT). Claim 18 should have been drafted as dependent on claim 17.
- VIII.11 Claim 20 comprises a feature "means for generating a video and audio link" that is first defined in claim 19 and is therefore not appropriately formulated as a claim dependent on claim 12 or 19 (Article 6 PCT). Claim 20 should have been drafted as dependent on claim 19.
- VIII.12 The vague and imprecise statement in the description on page 16, last paragraph, implies that the subject-matter for which protection is sought may be different to that defined by the claims, thereby resulting in lack of clarity of the claims (Article 6 PCT, Rule 9.1 (iv) PCT) when used to interpret them. This statement should therefore have to be amended or deleted to remove this in-

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consistency before entering in some regional phases.